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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN LEE WADE,

Defendant.

Case No. 18-CR-162-ABJ

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**DEFENDANT'S MOTION TO REOPEN DETENTION PROCEEDINGS AND  
REQUEST FOR LIMITED RELEASE ON BOND**

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Defendant, Shawn Lee Wade, through his court appointed attorney, David Weiss, Assistant Federal Public Defender, asks this Court re-open the detention proceedings so that he may present information that was not known at the time of the initial appearance held on August 8, 2023. Mr. Wade owns a car repair shop in Scotts Bluff, Nebraska (Memory Lane Motors). At the time of Mr. Wade's arrest, he had three vehicles he was repairing in his shop. Mr. Wade does not have anyone who can assist him in completing the repairs in a timely manner. Mr. Wade asks the Court for a limited release bond for three days to be given the opportunity to complete the repairs on the vehicles and return them to their owners.

Counsel for Mr. Wade has reached out to Assistant United States Attorney Timothy J. Forwood. AUSA Forwood indicated that the government is opposed to this request.

## **I. BACKGROUND**

The Petition to Revoke Supervised Release was filed on August 3, 2023 (ECF No. 69.) Mr. Wade was taken into custody and had his initial appearance on August 8, 2023. (ECF No. 74.) Mr. Wade was detained and the preliminary/final revocation hearing set for August 21, 2023. (ECF No. 77.) On August 14, 2023, the Defendant filed a Motion to Continue the preliminary/final revocation hearing. (ECF No. 79.) The Court has not yet entered an Order.

## **II. ARGUMENT**

Rule 32.1(a)(1) of the Federal Rules of Criminal Procedure provides that when a defendant is “held in custody for violating . . . supervised release,” that defendant must be taken “without unnecessary delay” before a magistrate judge for an initial appearance. A defendant’s release or detention pending a hearing on the petition for revocation of supervised release is governed by Federal Rule of Criminal Procedure 32.1(a)(6), which states “[t]he magistrate judge may release or detain the person under 18 U.S.C. § 3143(a)(1) pending further proceedings. The burden of establishing that the person will not flee or pose a danger to any other person or to the community rests with the person.” Section 3143(a)(1) establishes a presumption in favor of detention that is rebuttable only upon a defendant showing, by clear and

convincing evidence, that he is not likely to flee or pose a danger to any other person or the community.

Mr. Wade owns a car repair shop in Scotts Bluff, Nebraska (Memory Lane Motors). At the time of Mr. Wade's arrest, he had three vehicles he was repairing in his shop. Since his arrest Mr. Wade has been diligent in trying to locate another mechanic to assist him by finishing the repairs on the vehicles but so far has been unsuccessful in finding anyone. To complete the repairs and get the vehicles returned to their owners will take three days. Mr. Wade did well on bond during the pendency of his case on the initial charges. He remained on bond from August of 2018 to the date of sentencing on February 6, 2019. The advisory guideline range for Mr. Wade's revocation is 3 to 9 months, which would be much too long to have the vehicle owners have to wait to have them returned or have the cars towed to another shop to finish repairs that Mr. Wade can complete in 3-days. Mr. Wade asks the Court for a limited release bond for three days to be given the opportunity to complete the repairs on the vehicles and return them to their owners.

### **CONCLUSION**

Mr. Wade respectfully requests that this Court set a hearing to reconsider his detention in this matter.

DATED this 15th day of August 2023.

Respectfully submitted,

VIRGINIA L. GRADY  
Federal Public Defender

/s/ David Weiss  
David Weiss  
Assistant Federal Public Defender

#### **CERTIFICATE OF SERVICE**

I hereby certify that on August 15, 2023 the foregoing was electronically filed and consequently served on counsel of record.

/s/ David Weiss  
David Weiss